

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENISE TUMELE,

Plaintiff,

CIVIL ACTION NO. 06-CV-10605-DT

vs.

DISTRICT JUDGE GERALD E. ROSEN

**ROBERT SCOTT FACILITY,
et al.,**

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

/

**ORDER DENYING DEFENDANTS' MOTION TO PRODUCE AND GRANTING
PLAINTIFF'S MOTION TO SUPPLEMENT**

Before the Court is the Motion to Produce Plaintiff's Medical Records filed by Defendants Yaqoob and Singhal on June 6, 2006 (docket no. 25), and Plaintiff's Motion to Supplement her Step II grievance responses filed on July 27, 2006 (docket no. 30). All pre-trial matters have been referred to the undersigned by District Judge Gerald E. Rosen. These motions are now before this Court for hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A). The Court finds that the facts and legal arguments are adequately presented in the parties' papers and the decisional process would not be significantly aided by oral argument. Therefore, these motions will be resolved without oral argument pursuant to E.D. MICH. LR 7.1(e)(2).

Contemporaneous with this Order the Court has recommended that Plaintiff's Complaint be dismissed without prejudice because she has failed to show total exhaustion of her claims for relief. Given this recommendation, the motion of the Defendants for the production of Plaintiff's medical records will be denied without prejudice as moot. Plaintiff's motion to supplement her grievance responses will be granted because the Court has considered them in recommending that Defendants'

motions to dismiss be granted, and Defendants are therefore not prejudiced by the additional information.

IT IS THEREFORE ORDERED that Defendants' motion to produce Plaintiff's medical records (docket no. 25) be DENIED WITHOUT PREJUDICE as moot.

IT IS FURTHER ORDERED that Plaintiff's motion to supplement (docket no. 30) be GRANTED.

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: September 20, 2006

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Denise Tumele and Counsel of Record on this date.

Dated: September 20, 2006

s/ Lisa C. Bartlett
Courtroom Deputy